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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,800	07/25/2003	Wing Hon Tsang	PA020017	2667

7590 04/18/2007  
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EXAMINER
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WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,800	<b>Applicant(s)</b> TSANG ET AL.	
	<b>Examiner</b> Girumsew Wendmagegn	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/2003</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim1-7 and 11-13** is rejected under 35 U.S.C. 102(b) as being anticipated by Momose (patent number US 7,184,380).

Regarding claim1, Momose anticipate method for determining the format of an optical recording medium (1) comprising one or more sessions, each session comprising a table of contents (TOC) and one or more tracks, the method comprising the steps of: reading (101) the table of contents (TOC) of a first session of the recording medium (1) (see figure2 s101); checking (102, 103, 32) whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents (TOC)( see figure2 s102, s103, s108-s109); and determining (104, 36) the format of the recording medium (1) to be audio if at least one of the checking steps (102, 103, 32) yields a positive result, and determining (105, 35) the format to be data else (see figure2 s102, s103).

Regarding claim2, Momose anticipate method according to claim1, further comprising the steps of: - checking (107, 40) whether the recording medium (1)

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comprises more than one session (see figure3 s110); performing said steps of checking (102, 103, 32) for the number of tracks and/or audio tracks and said determining steps (104, 36, 105, 35) only if the recording medium (1) comprises more than one session (see figure3 s112); and relying on the original information contained in the table of contents (TOC) for determining (108) the format of the recording medium (1) else(see figure3 s110 and s117).

Regarding claim3, Momose anticipate method according to claim 2, further comprising the step of enabling a user to force said steps of checking (102, 103, 32) for the number of tracks and/or audio tracks and said determining steps (104, 36, 105, 35) independently of the result of the step (107, 40) of checking whether the recording medium (1) comprises more than one session (see figure2 s101 and s102).

Regarding claim4, Momose anticipate Method according to claim1, characterized in that the checking steps (103, 103, 32) are based on data in the table of contents (TOC), which must not be altered to ensure compatibility with standard audio format players (see figure2 s101 and 102).

Regarding claim5, Momose anticipate method according to claim4, characterized in that the data in the table of contents (TOC) used for the checking steps comprises address data (Q.ADR) and pointer data (Q.POINT) (see figure3 s111 and s112).

Regarding6, Momose anticipate method according to claim 2, characterized in that the checking steps (107, 40) are based on data in the table of contents (TOC), which must not be altered to ensure compatibility with standard audio format players (see figure2 s101 and 102).

Regarding claim7, Momose anticipate method according to claim 6, characterized in that the data in the table of contents (TOC) used for the checking steps comprises address data (Q.ADR) and pointer data (Q.POINT) (see column6 line 15-21).

Regarding claim11, Momose anticipate disc format determination module (4) for determining the format of an optical recording medium (1) comprising a table of contents (TOC) and one or more tracks, characterized in that it performs a method according to any of claims1-10 (see figure1 element 10).

Regarding claim12, Momose anticipate disc format determination module according to claim11, characterized in that it is interposed in the communication between an optical reading unit (2) and a servo controller module (5) (see figure 1 element 6 and 7).

Regarding claim13, Momose anticipate apparatus for reading from and/or writing to optical recording media, characterized in that it performs a method according to any of claims1-10 and/or comprises a disc format determination module (4) according to any

of claims 11-12 for determining the format of an inserted recording medium (1) (see column7 line 14-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim8-10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Momose (patent number US 7,184,380) as applied to claim1-7 and 11-13 above, and further in view of Snow et al (Pub number US 2003/0091338).

Regarding claim9 and 10, see the teaching of Momose above. Momose does not teach adapting data in the table of contents (TOC) to values corresponding to the determined format of the recording medium comprise control bits and or address data. However Snow et al (hereinafter Snow) teaches adapting data in the table of contents (TOC) to values corresponding to the determined format of the recording medium comprise control bits and or address data (see page3 paragraph 0030).

One of ordinary skill in the art at the time the invention was made would have been motivated to adapt data in the table of contents (TOC) to values corresponding to the determined format of the recording medium comprise control bits and or address

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data as in Snow in to Momose method because that would make the address compatible with the encoded data format by converting the address given by the TOC (see page3 paragraph 0030).

Regarding claim8, see the teaching of Momose above. Momose does not teach suppressing sessions other than the first session in case the format of the recording medium (1) is determined to be audio. However, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to suppress sessions other than the first session in case the format of the recording medium (1) is determined to be audio. Therefore official Notice is taken.


One of ordinary skill in the art at the time the invention was made would have been motivated to suppressing sessions other than audio session in Momose method because it would eliminate reading of undesired (empty) sessions.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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